

Committee on Resources

Subcommittee on Energy & Mineral Resources

Statement

**DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS
COMPLETE STATEMENT
OF
BRIGADIER GENERAL HANS A. VAN WINKLE
DEPUTY COMMANDER FOR CIVIL WORKS
BEFORE THE
SUBCOMMITTEE ON ENERGY AND MINERAL RESOURCES
COMMITTEE ON RESOURCES
ON
H.R. 2818, A BILL TO PROHIBIT OIL AND GAS DRILLING
IN MOSQUITO CREEK LAKE IN CORTLAND, OHIO**

**OCTOBER 21, 1999
WASHINGTON, D.C.**

INTRODUCTION

Mr. Chairman and members of the Subcommittee, I am General Hans Van Winkle, Deputy Commander for Civil Works, Army Corps of Engineers. I am testifying on behalf of the Honorable Dr. Joseph W. Westphal, Assistant Secretary of the Army for Civil Works. Thank you for this opportunity to discuss the Mosquito Creek Lake Project in Cortland, Trumbull County, Ohio, and to provide the views of the Department of the Army on H.R. 2818, a bill to prohibit oil and gas drilling in Mosquito Creek Lake.

AUTHORIZED MULTIPURPOSE PROJECT

The Mosquito Creek Lake Project is a multipurpose Corps of Engineers project located in northeastern Ohio. Construction of the project was authorized by the Flood Control Act of 1938 (Public Law 761, 75th Congress), which contained authority for implementation of a comprehensive plan for flood control and other purposes in the Ohio River Basin. The project became operational in 1944. It encompasses approximately 11,180 acres in Federal fee lands entirely in Trumbull County. The dam is situated on Mosquito Creek, nine miles upstream from its junction with the Mahoning River at Niles, Ohio.

Authorized project purposes of the Mosquito Creek Lake Project are flood control, water supply, low-flow augmentation, water quality and recreation. The dam and reservoir provide flood protection for the Mahoning River Valley as well as areas along the Beaver and upper Ohio Rivers. The lake provides a source of water supply for the City of Warren, Ohio. The project is also managed to provide benefits for fish and wildlife preservation and enhancement and land and forest conservation. Over 10,000 acres of land are outgranted to the Ohio Department of Natural Resources (ODNR) for use as Mosquito Creek State Park and

for fish and wildlife management purposes.

MINERAL EXPLORATION AND EXTRACTION ON ARMY LANDS

Department of the Army oil and gas leasing policy states that, in accordance with DOD policy to promote the optimal use of its lands under the multiple-use principle, it is the policy of the Department of the Army that all lands under its control will be made available for oil and gas leasing, except at installations or at civil works projects specifically excluded from such leasing upon the recommendation of the Corps of Engineers and approval by the Assistant Secretary of the Army for Installations and Environment. When notified by the Bureau of Land Management (BLM) of a proposal for a lease of oil and gas minerals at a Corps project, the Corps District, being the Federal land manager for a particular Corps project, works with the respective BLM Field Office to ensure that the oil and gas mineral extraction is consistent with our project purposes before granting consent to lease.

LEASING OF FEDERAL OIL AND GAS RESOURCES AT MOSQUITO CREEK LAKE PROJECT

In March 1995, the Milwaukee Field Office, BLM requested that the Pittsburgh District participate in the decisionmaking process for proposed oil and gas leasing at Mosquito Creek Lake. BLM specifically requested the Corps to assist by providing information critical to the preparation of a Planning Analysis/Environmental Assessment (PA/EA) document for the proposal. For Mosquito Creek Lake, the Pittsburgh District has cooperated with BLM since 1995 by assisting in scoping to identify potential issues, alternative formulation, development of stipulations, and review of a preliminary draft PA/EA prior to public release.

During coordination with BLM, the Pittsburgh District advised BLM that it was necessary to include stipulations to the Corps consent. A stipulation that there be "no surface occupancy" on Federal lands reduced the number of alternatives from four to the following two: 1) "No Action", which would prohibit development under a Federal lease, or 2) allowing the Federal minerals to be extracted from surrounding private lands through directional drilling which preserved the lake and small borders of Federal lands for the benefit of the public.

A stipulation for a 200-foot setback from the Federal project boundary was included to minimize noise and aesthetic disturbances during drilling and production operations. There is also a stipulation that drilling adjacent to recreation areas not occur during the Memorial Day to Labor Day recreation season. Pittsburgh District staff participated in all phases of BLM's public review process for the PA/EA, which the BLM began in April 1998, including coordination and public meetings. By letter to the BLM Milwaukee Field Office Manager, dated July 27, 1999, the Pittsburgh District Engineer granted consent to the leasing of the Federal oil and gas minerals at Mosquito Creek Lake, subject to the surface and subsurface use conditions listed in the Mosquito Creek Lake PA/EA.

ARMY POSITION ON H.R. 2818

H.R. 2818, if enacted, would prohibit the commencement of any drilling activity, including any slant or directional drilling, to extract oil or gas from lands beneath waters under the jurisdiction of the United States in Mosquito Creek Lake. The Corps of Engineers supports the process through which we were able to consent to the leasing of the Federal oil and gas minerals at the Mosquito Creek Lake Project. Given BLM's responsibility for leasing of Federal mineral resources, we defer to the Department of the Interior for an Administration position on H.R. 2818.

CONCLUSION

Mr. Chairman, this concludes my testimony. I would be pleased to answer any questions you or the Subcommittee may have.

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